

# SUPREME COURT OF WISCONSIN

No. 17-06

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In re the Petition to Amend SCR 81.02

**FILED**

**APR 5, 2018**

Sheila T. Reiff  
Clerk of Supreme Court  
Madison, WI

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On May 25, 2017, Attorneys John A. Birdsall and Henry R. Schultz filed a rule petition on behalf of the Wisconsin Association of Criminal Defense Lawyers, the Wisconsin Association of Justice, and a number of individuals.<sup>1</sup> The petition asks this court to amend Supreme Court Rule (SCR) 81.02 (Compensation) to: (1) change the hourly rate of compensation for court-appointed lawyers from \$70 to \$100 per hour; (2) include a provision in SCR 81.02 indexing future compensation rates to annual cost of living increases; and (3) "include a provision specifying that any payment for legal services rendered pursuant to an appointment by the State Public Defender

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<sup>1</sup> The petition stated that it was also filed on behalf of: Francis W. Deisinger, Paul G. Swanson, Christopher E. Rogers, Dean A. Strang, Jerome F. Buting, Louis B. Butler, Janine P. Geske, John A. Birdsall, Henry R. Schultz, Keith A. Findley, Franklyn M. Gimbel, Walter F. Kelly, Peggy A. Lautenschlager, John T. Chisholm, Kelly J. McKnight, E. Michael McCann, Daniel D. Blinka, James M. Brennan, Ben K. Kempinen, John S. Skilton, James C. Boll, Ralph M. Cagle, Robert R. Gagan, Diane S. Diel, Thomas S. Sleik, Gerald W. Mowris, Gerald M. O'Brien, Jon P. Axelrod, Michael J. Steinle, Howard A. Pollack, Thomas R. Streifender, Joseph E. Tierney, Christy A. Brooks.

under Wisconsin statutes section 977.08 of an hourly rate less than the rate set forth in Supreme Court Rule 81.02 is unreasonable."

The court discussed this petition at some length at open conference on June 22, 2017 and voted to request additional information from the petitioner, solicit public comment, and schedule a public hearing.<sup>2</sup> After the court's discussion, the petitioners asked the court to schedule the public hearing in the spring of 2018.

IT IS ORDERED that a public hearing on the petition shall be held in the Supreme Court Room in the State Capitol, Madison, Wisconsin, on May 16, 2018, at 9:30 a.m.

IT IS FURTHER ORDERED that notice of the hearing be given by a publication of a copy of this order and of the petition in the official state newspaper once each week for three consecutive weeks, and in an official publication of the State Bar of Wisconsin not more than 60 days nor less than 30 days before the date of the hearing.

IT IS FURTHER ORDERED that the full text of the proposed rules, including changes, if any, in existing rules, shall be placed on the Internet site maintained by the director of state courts for the supreme court. See [www.wicourts.gov/scrules/pending.htm](http://www.wicourts.gov/scrules/pending.htm).

Dated at Madison, Wisconsin, this 5th day of April, 2018.

BY THE COURT:

Sheila T. Reiff  
Clerk of Supreme Court

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<sup>2</sup>Documents filed to date in this matter may be viewed on the court's rules website, <https://www.wicourts.gov/scrules/1706.htm>.

